

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN SHANKS,)	Case No.: 1:20-cv-1083 JLT SAB
)	
Plaintiff,)	ORDER ADOPTING IN FULL FINDINGS AND
)	RECOMMENDATIONS GRANTING
v.)	DEFENDANTS' MOTION FOR SUMMARY
)	JUDGEMENT
E. MENDEZ, et al.,)	
)	(Doc. 56)
Defendants.)	
)	
)	

Darren Shanks asserts his civil rights were violated and seeks to hold the defendants liable for retaliation in violation of the First Amendment pursuant to 42 U.S.C. § 1983. Defendants seek summary judgment on the claim. (Doc. 56.)

The assigned magistrate judge found the defendants were entitled to qualified immunity, “because an inmate’s right to refuse to provide information relating to a prison investigation was not clearly established in 2018 (and is not today), [and] no reasonable prison official would have been on notice that their conduct violated Plaintiff’s constitutional rights.” (Doc. 56 at 10.) The magistrate judge observed: “Plaintiff has pointed to no authority establishing that an inmate has a constitutional right to refuse to provide information regarding a prison investigation about a prior incident, nor could the Court find authority consistent with the Supreme Court’s present standards concerning what constitutes ‘clearly established.’” (*Id.* at 11.) Therefore, the magistrate judge recommended the motion for summary judgment be granted on August 9, 2022. (*Id.*)

1 The Findings and Recommendations granted 21 days for any party to file any objections and
2 informed the parties that the failure to do so may waive rights on appeal. (Doc. 56 at 11, citing
3 *Wilkerson v. Wheeler*, 772 F.3d 834, 838- 39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394
4 (9th Cir. 1991)). No objections were filed and the time to do so has passed.

5 According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case.
6 Having carefully reviewed the entire file, the Court concludes the magistrate judge's Findings and
7 Recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations issued on August 9, 2022 (Doc. 56) are
9 **ADOPTED** in full.
- 10 2. Defendants' motion for summary judgment (Doc. 49) is **GRANTED**.
- 11 3. The Clerk of Court is directed to enter judgment in favor of Defendants and to close
12 this case.

13
14 IT IS SO ORDERED.

15 Dated: **September 7, 2022**


UNITED STATES DISTRICT JUDGE